

DECLARATION - USA PATENT APPLICATION

COPY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled STEREO PULSE OXIMETER; the specification of which is attached hereto;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/087,802

Filing Date: June 3, 1998

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Ammar Al-Ali**

Inventor's signature 

Date May 24, 1998

Residence: **2572 Elden Avenue, Apt. B, Costa Mesa, CA 92627**

Citizenship: **United States**

Post Office Address: **same**

Full name of second inventor: **Mohamed K. Diab**

Inventor's signature _____

Date May 24, 1999

Residence: **26945 Diamond, Mission Viejo, CA 92691**

Citizenship: **United States**

Post Office Address: **same**

Full name of third inventor: **Massi E. Kiani**

Inventor's signature _____

Date May 24, 1999

Residence: **35 Brindisi, Laguna Niguel, CA 92677**

Citizenship: **United States**

Post Office Address: **same**

Full name of fourth inventor: **Robert James Kopotic**

Inventor's signature _____

Date May 24, 1999

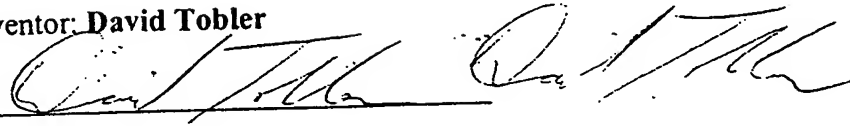
Residence: **18613 Quail Trail Drive, Jamul, CA 91935**

Citizenship: **United States**

Post Office Address: **same**

Full name of fifth inventor: **David Tobler**

Inventor's signature



Date 4/10/99

5/20/1999

Residence: ~~27335 Capricho, Mission Viejo, CA 92692~~ *DT*
3916 W. 104th PLACE, WESTMINSTER, CO 80030

Citizenship: **United States**

Post Office Address: **same**

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

COPY

Application No.: Unknown
Filing Date: Herewith

PATENT
Client Code: MASIMO.108A
Page 1

ASSIGNMENT

WHEREAS, We, Ammar Al-Ali, a United States citizen, residing at 2572 Elden Avenue, Apt. B., Costa Mesa, CA 92627, Mohamed K. Diab, a United States citizen residing at 26945 Diamond, Mission Viejo, CA 92691; Massi E. Kiani, a United States citizen residing at 35 Brindisi, Laguna Niguel, CA 92677; Robert James Kopotic, a United States citizen residing at 18613 Quail Trail Drive, Jamul, CA 91935; and David R. Tobler, 27335 Capricho, Mission Viejo, CA 92692, have invented certain new and useful improvements in a STEREO PULSE OXIMETER for which we have an application for Letters Patent in the United States, on even date herewith;

AND WHEREAS, Masimo Corporation (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 2852 Kelvin Avenue, Irvine, CA 92614, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 24th day of May 1998.

Ammar Al-Ali
Ammar Al-Ali

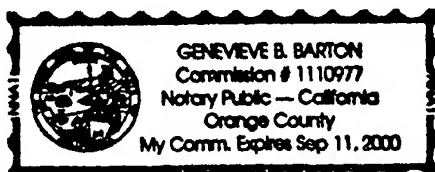
STATE OF CALIFORNIA
COUNTY OF Orange

ss.
}

On May 24, 1998, before me, Ammar Al-Ali, personally appeared Ammar Al-Ali personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



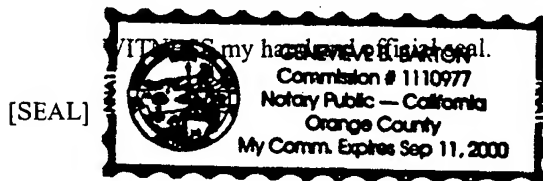
Dominic B. Barton
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 24th day of May 1999.

Mohamed K. Diab
Mohamed K. Diab

STATE OF CALIFORNIA] ss.
COUNTY OF ORANGE

On May 24, 1999, before me, Mohamed K. Diab, personally appeared Mohamed K. Diab personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity), and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



Genevieve B. Barton
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 24th day of May 1999.

Massi E. Kiani
Massi E. Kiani

STATE OF CALIFORNIA] ss.
COUNTY OF ORANGE

On May 24, 1999, before me, MASSI E. KIANI, personally appeared Massi E. Kiani personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



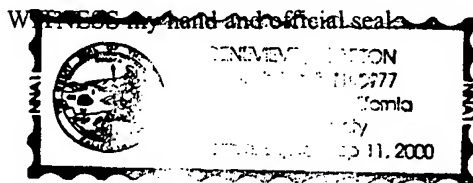
Genevieve B. Barton
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 24th day of April 1994.

Robert James Kopotic
Robert James Kopotic

STATE OF California]
COUNTY OF San Diego] ss.

On May 24, 1994, before me, David R. Tobler, personally appeared Robert James Kopotic personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



David R. Tobler
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this ____ day of _____ 19__.

David R. Tobler

STATE OF _____]
COUNTY OF _____] ss.

On _____, before me, _____, personally appeared David R. Tobler personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this _____ day of _____ 19__.

Robert James Kopotic

STATE OF

COUNTY OF

}] ss.

On _____, before me, _____, personally appeared Robert James Kopotic personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 20th day of May 1999

David R. Tobler

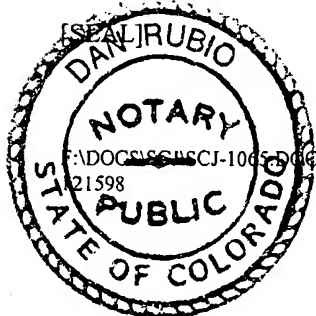
STATE OF Colorado

COUNTY OF Adams

}] ss.

On May 20, 1999, before me, David R. Tobler, personally appeared David R. Tobler personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Notary Signature

8-13-2002
Exp. Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Al-Ali et al.)
App. No. : Unknown)
Filed : Herewith)
For : STEREO PULSE OXIMETER)
Examiner : Unknown)

COPY

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and

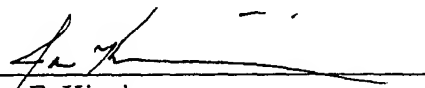
App. No. : Unknown
Filed : Herewith

Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

MASIMO CORPORATION

Dated: May 24, 1999

By: 
Joe E. Kiani

Title: President & CEO

Address: 2852 Kelvin Avenue
Irvine, CA 92614-5826

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